IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27736 of 2007(B)

PETITIONERS:

---

1. SATHEESH KUMAR,
   S/O.CHANDRASEKHARAN NAIR,
   NALINA BHAVAN, P.O.MAYANAD, KOZHIKODE.

2. K.DETHIE,
   S/O.LATE A.KUNHAN,
   'PADMALAYAM' H.NO.32/2165-B,
   PO MAYANAD,
   KOZHIKODE.

3. SURESH KUMAR P.I., S/O.CHANDRASEKHARAN NAIR,
   LAKSHMI, PO.MAYANAD, KOZHIKODE.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:

---

1. KOZHIKODE CORPORATION, CORPORATION BUILDINGS,
   KOZHIKODE, REP. BY ITS SECRETARY.

2. P.K.RAJESH, PRANAVAM HOUSE, P.O.MAYANAD,
   KOZHIKODE-673008.

R1 BY ADV.SRI.P.V.KUNHIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

.....

W.P.(C)No.27736 OF 2007

.....

DATED THIS THE 18TH SEPTEMBER, 2007

J U D G M E N T

The grievance of the petitioners is that the 2nd respondent is about to commence a factory which is likely to generate considerable pollution in the locality. The area, it is alleged, is a residential area, and commencement and operation of the factory will be injurious to public health. I do not propose to go into the merits of the matter.

2. Sri.P.V.Kunhikrishnan, Standing Counsel takes notice on behalf of the 1st respondent.

3. Sri.K.A.Salil Narayanan, counsel for the petitioners submits that the 1st respondent is yet to issue any licence to the 2nd respondent for commencing the factory. Considering the above submission, I dispose of the Writ Petition in the following terms:-

The 1st respondent-Corporation will take up Ext.P1 immediately, issue notice to the 2nd respondent, hear the petitioners or their representative and the 2nd respondent and take a decision on Ext.P1. If licence is not so far issued to the 2nd respondent, the Corporation will not issue licence to him before orders are passed on Ext.P1 as directed above. The Standing Counsel Mr.P.V.Kunhikrishnan will communicate this judgment, by any suitable mode, to the Corporation today itself.

tgl **(PIUS C.KURIAKOSE, JUDGE)**